

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In the Matter of)

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Amendment of the AM and FM)

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Service Rules to authorize a)

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Microradio Broadcasting Service)

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Rulemaking Number RM-9208

To: The Commission

COMMENTS OF THOMAS DESMOND

Thomas Desmond hereby respectfully submits his comments in the above-captioned Notice of Proposed Rulemaking ("NPRM") relating to the creation of a Microradio broadcasting service on the AM and FM broadcast bands.

I. BACKGROUND

1. The FCC has solicited comments in regard to the NPRM, which was initiated in response to a petition proposing the amendment of the AM and FM service rules to designate one AM and one FM channel for a Microradio service operating at very low power (1 watt or less) and antenna height (50 feet or less) for the purpose of providing localized or specialized broadcast service to the public. Mr. Desmond wishes to comment on various topics raised by the NPRM.

2. Mr. Desmond wishes to express support for the concept of microradio, while suggesting several changes which he believes could better allow this service to achieve the goals of the original petitioners, while at the same time reducing disruption to existing AM and FM broadcast service.

II. SUPPORT FOR CONCEPT OF MICRORADIO

3. Mr. Desmond believes that the concept of microradio is a good one, since it would allow access to the broadcast band to those who are currently shut out as a result of the cost of existing broadcast services or the lack of available spectrum. Microradio would allow for service

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to very small communities, neighborhoods, or interest groups that might be unable to support a higher powered station.

III. MICRORADIO AS A DISTINCT SERVICE FROM LPFM

4. Mr. Desmond wishes to empathize that microradio should be considered as a separate and distinct service versus Low Powered FM ("LPFM") which he is supporting in a separate petition to the FCC, to be filed by the Community Radio Coalition ("CRC"). Mr. Desmond believes that microradio stations operating at very low powers and LPFM stations operating at powers comparable to that of FM translators per the CRC petition could coexist as complementary services, each filling different programming and service niches. Mr. Desmond wishes to further empathize that as distinct services, the appropriate rules for each can be expected to differ significantly.

IV. TECHNICAL RULES FOR MICRORADIO

A. Microradio should be FM only

5. Mr. Desmond believes that the nature of AM propagation, especially at night, makes the AM broadcast band unsuitable for microradio service. The FCC is currently working to reduce interference in the AM broadcast band and authorizing a large number of new stations, even at very low power, seems likely to undermine this goal of interference reduction.

6. The more predictable propagation of signals in the VHF spectrum occupied by the FM broadcast band makes it a more suitable home for a microradio service.

B. Microradio should be allowed on any FM frequency

7. Mr. Desmond proposes that the FCC reject the petitioner's proposal to designate a single FM channel for microradio service, which would be unduly disruptive by forcing existing stations on the designated frequency and frequencies adjacent to the designated frequency to move. Another consideration is that reserving a single frequency for microradio would limit this service to a maximum of one microradio station at any given listener location.

8. It would be preferable to authorize microradio stations to operate on any open FM frequency, on a secondary basis, subject to spacing rules that would prevent interference between

microradio stations and co- and adjacent channel full powered (and LPFM, if authorized) stations. The appropriate spacing rules for microradio would be those currently used for FM translators (74.1204) for cochannel and adjacent channel spacing only. Mr. Desmond feels that microradio stations should be exempt from meeting any second and third adjacent spacing requirements.

C. Maximum power and the use of type accepted equipment

9. Mr. Desmond believes that the maximum proposed facilities of 1 watt and 50 feet above ground are inadequate for this service. Mr. Desmond believes that higher power should be allowed, and feels that a maximum of 10 watts ERP and 30 meters HAAT would be reasonable, resulting in a maximum class contour of 3.2 km (2.0 miles) at the 1.0 mv/m contour. Mr. Desmond believes that microradio stations should be required to use FCC type accepted transmission equipment, as the cost of such equipment at these power levels is quite reasonable and the risk of interference from the use of non-type accepted equipment is unacceptable and unnecessary. Stations should be allowed to transmit with vertical, horizontal, or circular polarization, as long as the ERP in any polarization is not in excess of the maximum authorized for the station. To simplify implementation of microradio (and to keep application fees low), the FCC may want to consider mandating that all applications for microradio stations propose omnidirectional operation.

V. ADMINISTRATIVE ISSUES FOR MICRORADIO

A. Ownership restrictions

10. Mr. Desmond considers it essential that microradio remain a local service. The best way to insure this is to mandate that the ownership of microradio stations be limited to small numbers. Mr. Desmond would not consider it unreasonable to limit one owner to a single microradio station, and feels that in no event should any individual or group be allowed to own more than five such stations. Mr. Desmond also believes that it would be desirable to require that the ownership for microradio stations reside within a reasonable distance of the station's transmitter, perhaps 50 km maximum. Lastly, Mr. Desmond believes that no individual or group should be allowed to own a microradio station whose protected contour overlaps the protected

contour of a commonly owned radio station (either microradio, translator, AM or FM full powered, or LPFM, if authorized).

B. Microradio authorizations should be simple and cheap to obtain

11. In order to keep the application process streamlined, simple, and inexpensive, Mr. Desmond believes that microradio construction permits should be issued on a first come, first serve basis. Application fees should be kept low, and should not exceed \$250 for either the initial application or for renewals.

C. The FCC should preempt local zoning for microradio stations

12. It is reasonable to expect that many microradio applicants might choose to operate a station out of their residence, or possibly out of a community center or business location originally intended for purposes other than the operation of a broadcast station. Mr. Desmond believes that the FCC should step in and determine what locations microradio stations will be allowed to operate out of, regardless of local zoning. Mr. Desmond proposes that microradio stations should be allowed to operate out of single family homes, churches, schools, and neighborhood or community centers, provided that the maximum height of the antenna and antenna mounting structure is not more than 5 meters above the maximum height of the building upon which the antenna is mounted. This provides a reasonable compromise between the interests of neighborhood and community aesthetics on one hand, and maximizing the viability of microradio on the other hand.

D. Microradio should operate with few programming restrictions

13. The limited operating range of microradio stations will present significant challenges to their owners to provide programming that benefits their local communities at a reasonable cost. This may include the use of automation, tape delay, or even some use of non-local programming sources (although Mr. Desmond desires to see microradio remain a primarily local service). Mr. Desmond believes that the FCC should not enact programming restrictions or requirements that would limit the flexibility of microradio stations.

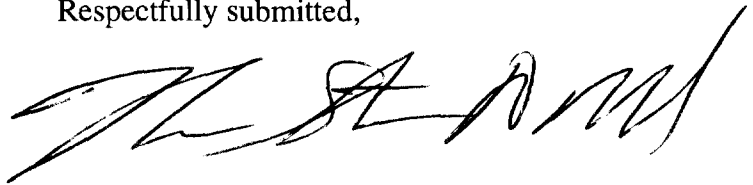
E. Commercial operation of microradio stations

14. Either commercial or non-commercial operation should be allowed for microradio stations operating in the non-reserved portion of the FM broadcast band. Microradio stations in the reserved non-commercial portion of the band should be limited to non-commercial operation only.

VI. IN CONCLUSION

15. Mr. Desmond would like to re-empathize his support of microradio (and LPFM) service as a tool for providing access to radio broadcasting to those individuals and groups who are currently shut out by the high prices and concentration of ownership in full powered stations. Mr. Desmond feels that the microradio petition should be granted, albeit with significant modifications in line with those suggested in these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Desmond', written in a cursive style.

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